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7/14/04

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July 9, 2004

Thomas Quinn  
Courtroom Clerk to  
U.S. Magistrate Judge Judith G. Dein  
United States District Court  
One Courthouse Way, Suite 6410  
Boston, MA 02210

Re: Holubar v. Kohlberger, Civil Action No. 03-12404-NG

Dear Mr. Quinn:

I am local counsel for the defendants in the above-referenced case. On behalf of the defendants, I am writing to request a postponement of the motion hearing before Judge Magistrate Dein that was recently scheduled for June 15, 2004 at 11:00 a.m., until July 21, 22 or 23, or August 2, 3, 4 or 5, if any of those days is convenient for the Court and for plaintiffs' counsel.

I have a scheduling conflict on June 15, as I will be in Montana that week on a previously scheduled trip that I cannot change. Defendants' lead counsel, Edward C. Radzik of New York City, has a previously scheduled federal court hearing in New York on June 15, which he cannot change. Defendants prefer that I attend the hearing, and I will be available starting July 21. (I suggest avoiding July 26-30 because of the logistical difficulties associated with the Democratic National Convention in Boston then.)

We appreciate the Court's consideration of this request. Would you kindly leave me a voice message at 617 248-0200 as to the disposition of this request, and communicate with other counsel as you deem appropriate. I tried to reach you by telephone yesterday and had intended to patch plaintiffs' counsel into the call, but your message indicated you will be out of the office until July 12. I may not be able to call you then, so I thought it best to send this letter now. Thank you.

Sincerely,

  
Curtis C. Pfunder

cc: Kurt E. Bratten, Esq.  
Bjorn J. Holubar, Esq.  
Edward C. Radzik, Esq.